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Agents in Clear, Colby Asserts

CIA Director Expects No Criminal Charges

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WASHINGTON—William E. Colby, head of the Central Intelligence Agency, said Wednesday he did not expect criminal charges to be brought against CIA agents for any domestic activities.

Colby said in an interview that as far as he knew a Justice Department investigation had produced no evidence of criminal conduct by individual agents.

Asked if he expected the department to file charges against any CIA employees, he replied: "I don't, honestly."

Another government source familiar with the investigation agreed with Colby's assessment. This official said that unless Vice President Rockefeller's commission on the CIA produced damaging information which the Justice Department did not possess, there would be no criminal cases.

Colby said earlier in congressional testimony that any "missteps" by his agency in spying on U.S. citizens were "few and far between" and were not criminally motivated.

He has acknowledged, however, that the CIA, in apparent violation of its charter, infiltrated about 20 agents into antiwar organizations, gathered files on 10,000 American citizens, opened the mail of some Americans corresponding with persons in Communist countries and broke into the homes of agency employees suspected of disclosing secret government information.

In establishing the Rockefeller panel last month, President Ford said that the Justice Department was examining whether CIA agents might be subject to prosecution for improper domestic activities. That probe has been conducted jointly by the department's criminal and civil rights divisions.

Colby said that agents involved in domestic activities were acting "under orders" and "in good faith" and should not be held criminally liable. Some of their actions were "cleared at the top" before he became director 18 months ago, Colby said. Other activities went on at lower levels without the director's knowledge, he said.

Colby predicted congressional investigators would find that no President had pressured the agency more than any other, despite allegations that domestic surveillance of radicals began, at the behest of President Lyndon B. Johnson.

"The history of the agency from the 1950s has been pretty much a straight line," Colby said.

Discussing the closed-door Rockefeller commission inquiry that has been under way for seven weeks, Colby said: "Commission members

have been hearing from various witnesses from inside our organization, and the investigators have been talking to a lot more. They've been going through our papers and files for an in-depth look. They're very conscious that it's necessary to make a very thorough investigation. They're going full tilt."

Although the commission's authority expires April 1, Rockefeller has said he probably will request that Mr. Ford grant the panel an extension.

Colby said he would give Senate and House investigators the same access to agency files and employees that the commission has had. To help protect sensitive information, agency files surrendered to Congress will contain numbers instead of names, he said. The numbers, in turn, will be keyed to a separate index of names, he explained.

He said he had no objection if senators chose to grant immunity from prosecution to CIA employees in return for their testimony. However, if an agent were asked to disclose sensitive information, he would first have to check with the director, Colby said.

While the furor over CIA activities has endangered some agents overseas, job applications are higher than ever, Colby said. During the first two weeks of January, he said, 1,700 persons applied for work with the agency—nearly three times the normal number.

Colby said he hoped the investigations would help "desensationalize" the nation's day-to-day efforts to obtain foreign intelligence. And Congress should proceed cautiously before drafting any far-reaching changes in the agency's structure, he said.

The CIA conducts "the best intelligence activity in the world," a fact critics should consider "before you tinker around with something that works as well as this does," Colby said.

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